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**U.S. District Court
District of Maryland (Baltimore)**

AUG 25 2010

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

Fred W. Allnutt

*

BY

Appellant

*

CASE # 1:10-CV-01739-RDB

DEPUTY

v.

*

Michael G. Rinn

*

Appeal from Bankruptcy

Appellee

*

Case No. 08-26485

* * * * *

APPELLANT'S MOTION FOR RULING ON APPELLANT'S APPEAL

Comes now, Fred Allnutt, Appellant, and moves this court to issue a Ruling on Appellant's Appeal, and for this states as follows:

1. On June 28, 2010, Appellant timely appealed (Dkt. #1) an Order issued by Bankruptcy Judge Nancy V. Alquist (B/R Dkt. #19), dismissing Appellant's Bankruptcy case # 08-26485. As outlined more specifically in Appellant's Appeal Brief, Judge Alquist's order is based on a "Trustee's Report" that does not exist in the court record.

2. On July 16, 2010, Appellant filed Appellant's Brief, making Appellee's Brief due on or before August 5, 2010. Actually, the court confirmed this date in the court record (Dkt. # 4).

3. Appellee did not file an Appellee Brief before the August 5, 2010, due date, or at any time thereafter.

4. Appellee has not requested an extension of time to file its Appellee's Brief.

Wherefore, Appellant moves this court to Order:

- that Appellee failed to file its Appellee's Brief within the required time frame, i.e., on or before August 5, 2010;
- that the Bankruptcy Court lacked adjudicatory authority to dismiss Appellant's bankruptcy case as a matter of law;

- that Appellant's Bankruptcy be discharged or, in the alternative, to remand Appellant's Bankruptcy Case back to the Bankruptcy Court with instructions to hold a hearing to determine if there is a factual basis to dismiss Appellant's bankruptcy case.

Respectfully Submitted,



Fred W. Allnutt
10370 Baltimore National Pike
Ellicott City, Maryland 21042
(410-984-6476)

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August 2010, I served a copy of this document by first class mail on Michael B. Rinn, Suite 4, 111 Warren Road, Cockeysville, Maryland, 21030.


Fred W. Allnutt